

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )

Plaintiff, )

v. )

ADP MARSHALL, INC., a FLUOR )  
DANIEL COMPANY, and FIREMAN'S )  
FUND INSURANCE COMPANY )  
Defendants. )

---

ADP MARSHALL, INC. )  
Plaintiff-in-Counterclaim, )

v. )

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )  
Defendant-in-Counterclaim. )

---

ADP MARSHALL, INC. )  
Third Party Plaintiff, )

v. )

ALLIED CONSULTING ENGINEERING )  
SERVICES, INC., ANDOVER CONTROLS )  
CORPORATION, R&R WINDOW )  
CONTRACTORS, INC., and DELTA )  
KEYSPAN, INC. n/k/a DELTA )  
KEYSPAN, LLC )  
Third Party Defendants. )

C.A. No. 04 CV 10203 PBS

**ADP MARSHALL'S PROPOSED PRE-TRIAL SCHEDULING**

Pursuant to LR 16.1 and this Court's Notice of Scheduling Conference, dated February 3, 2004, Counsel for the Plaintiff and Defendant have conferred and have been

unable to reach an agreement. ADP Marshall, Inc. Therefore proposes the following pre-trial schedule:<sup>1</sup>

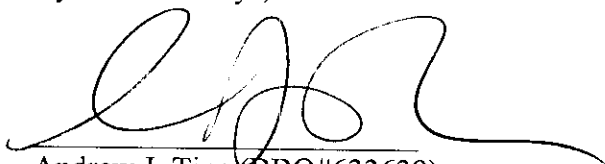
1. INITIAL DISCLOSURES: The parties agree that all such information as required by FRCP 26(a)(1) shall be exchanged no later than July 31, 2004.
2. DISCLOSURE OF EXPERT TESTIMONY: The parties agree that all such information as required by FRCP 26(a)(2) shall be exchanged no later than June 30, 2005.
3. PRE-TRIAL DISCLOSURES: The parties agree that all such information as required by FRCP 26(a)(3) shall be exchanged by October 31, 2005.
4. DISCOVERY:
  - a) Interrogatories: The parties agree that one (1) round of interrogatories numbering no more than thirty (30) is sufficient for this case. As such, all interrogatories shall be submitted no later than July 15, 2005, and shall be properly responded to and returned to opposing counsel no later than sixty (60) days thereafter.
  - b) Depositions: The parties agree that the period for depositions shall be concluded by July 30, 2005. Each party reserves the right, however, to request to conduct depositions based upon new and material evidence after that date.
  - c) Document Production: The parties agree that all document production, and all supplementation thereof, shall commence on August 1, 2004 and continue as may be necessary throughout the discovery process until July 30, 2005. The thirty (30) day time period to respond to document production requests, when served prior to July 31, 2004, shall not begin to run until that date.
  - d) Site Inspections: The parties agree that upon reasonable advance notice, at any time between March 15, 2004 and July 15, 2005, Defendant ADP Marshall, Inc. and each Third Party Defendant, will be afforded the opportunity to conduct at least two (2) inspections of the subject premises to evaluate the Plaintiff's claims.
5. PRE-TRIAL MOTIONS: The parties agree that all pre-trial motions and motions for summary judgment shall be submitted by August 30, 2005.

---

<sup>1</sup> The Third Party Defendants have been served with a copy of the Notice of Scheduling Conference, but due to their recent involvement have not been involved in the process of developing the Proposed Joint Statement.

Respectfully submitted,

DEFENDANTS,  
ADP Marshall, Inc. and Fireman's Fund Insurance Company  
By their attorneys,

A handwritten signature in black ink, appearing to be 'AJT', written over a horizontal line.

Andrew J. Tine (BBO#633639)

Richard Fox (BBO#651173)

Haese, LLC

70 Franklin Street, 9<sup>th</sup> Floor

Boston, MA 02110

(617) 428-0266 - Telephone

(617) 428-0276 - Fax

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing Proposed Pre-Trial Scheduling via United States Mail postage prepaid this 9 day of March, 2004 to all counsel of record.

A handwritten signature in black ink, appearing to read 'AJTine', is written over a horizontal line.

Andrew J. Tine, Esq.